

# **EXHIBIT A**

Not Reported in F.Supp.  
(Cite as: 1989 WL 74954 (S.D.N.Y.))

Page 20

Only the Westlaw citation is currently available.

United States District Court, S.D. New York.

**Douglas B. CRANE, Plaintiff,**  
v.  
**METRO-NORTH COMMUTER RAILROAD,**  
**Defendant.**

**No. 87 CIV. 2876 (MJL).**

June 26, 1989.

Cahill, Goetsch, and Dipersia, P.C. by Charles C. Goetsch, New Haven, Conn., for plaintiff.

Robert Bergen, New York City, for defendant.

#### OPINION AND ORDER

LOWE, District Judge.

\*1 Before this court is plaintiff Douglas Crane's ("Crane") motion pursuant to 28 U.S.C. § 1404(a) for transfer of the above-captioned action from the Southern District of New York to the District of Connecticut. Defendant Metro-North Commuter Railroad ("Metro-North" or "the railroad") opposes the motion. For the reasons stated below, plaintiff's motion is denied.

#### BACKGROUND

This is an action brought under the Federal Employers' Liability Act, 45 U.S.C. §§ 51-60, and the Railroad Safety Appliance Act, 45 U.S.C. § 1 et seq. At all relevant time periods, Crane was employed by Metro-North as a high tension lineman. In his complaint, filed with this Court on April 28, 1987, plaintiff claims that, on or about May 6, 1986, while performing his normal work duties, he was involved in an accident caused by the railroad's negligence in failing to provide him with a safe place to work and a safe method of performing his work. Crane demands judgment against defendant in an amount in excess of seventy-five thousand (\$75,000.00) dollars plus costs and disbursements incurred.

On November 2, 1987, all pre-trial discovery was completed and, on December 1, 1987, the parties filed their Pre-Trial Order. The case was then

placed on this Court's ready trial calendar in 1988 where it now appears as the fifth listed case. On March 7, 1989, however, plaintiff retained new attorneys located in Connecticut to represent him. Thereafter, on March 16, 1989, Crane filed the instant motion for transfer of this action to his home district in Connecticut.

#### DISCUSSION

Title 28, U.S.C. § 1404(a), which allows for transfer of venue in the Court's discretion, provides:

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.

The initial inquiry in a motion to transfer venue under § 1404(a) is whether the present action "might have been brought" in the District of Connecticut. In making this determination, we must look to the special venue provisions of the Federal Employers' Liability Act. That provision, 45 U.S.C. § 56, provides:

Under this chapter an action may be brought in a District Court of the United States, in the district of the residence of the defendant, or in which the cause of action arose, or in which the defendant shall be doing business at the time of commencing such action.

At the time this action was commenced, Metro-North was engaged in the business of owning and operating a system of railroads and railroad properties in interstate commerce, through and between various states. It appears undisputed in the record before this Court that defendant Metro-North was doing business in Connecticut at the time this action was commenced and that, accordingly, the present action might have been brought in the District of Connecticut.

The Courts of this Circuit have outlined eight different factors which are relevant to the propriety of a discretionary transfer. These criteria include:

- \*2 1) the convenience of the parties;
- 2) the convenience of the witnesses;

Not Reported in F.Supp.

Page 21

(Cite as: 1989 WL 74954, \*2 (S.D.N.Y.))

- 3) the ease of access to sources of proof;
- 4) the availability of process to compel the presence of unwilling witnesses;
- 5) the cost of obtaining the presence of witnesses;
- 6) the problem involved in trying a case expeditiously and inexpensively;
- 7) where the event took place; and,
- 8) the interest of justice.

*Prudential Insurance Co. v. BMC Industries, Inc.*, 626 F.Supp. 652, 654 (S.D.N.Y.1985); *St. Cyr v. Greyhound Lines, Inc.*, 486 F.Supp. 724, 727 (E.D.N.Y.1980); *Schneider v. Sears*, 265 F.Supp. 257, 263 (S.D.N.Y.1967). The burden of showing the necessity of a transfer under 28 U.S.C. § 1404(a) is substantial and rests on the party seeking the transfer. The movant must support his allegations by proof or affidavit. *Matra Et Manurhin v. International Armament Co.*, 628 F.Supp. 1532, 1535 (S.D.N.Y.1986); *Troyer v. Karcagi*, 488 F.Supp. 1200, 1207 (S.D.N.Y.1980); *First National City Bank v. Nanz, Inc.*, 437 F.Supp. 184, 188 (S.D.N.Y.1975). In order to transfer an action to another venue, the District Court must find the balance of convenience strongly in favor of the moving party. *Nemmers v. Truesdale*, 612 F.Supp. 245, 246 (D.C. Ohio 1985).

In support of his motion, plaintiff lists the following reasons for transfer: (1) he resides in Connecticut, (2) his physical condition is such that travel to and from the Southern District of New York will be extremely painful, (3) all of plaintiff's crucial witnesses and medical experts reside in Connecticut, (4) all documents and records kept in the department where he worked are located in Connecticut, and (5) all of the attorneys involved in the case reside in Connecticut.

In opposition to the instant motion, Metro-North claims first that, since its counsel is neither admitted to practice in the United States District of Connecticut, nor is a member of the Bar of the State of Connecticut, it will be deprived of the very counsel that has represented it from the inception of this action. As plaintiff correctly asserts in his reply memorandum of law, however, this fact would

not preclude defendant's counsel from appearing before the District Court of Connecticut *pro hac vice*.

Next, Metro-North argues that both its medical and rehabilitation experts maintain offices in New York and that it is therefore more convenient for them to testify in this District. As plaintiff's uncontested affidavit indicates, however, both of these expert witnesses have testified in the District of Connecticut on previous occasions without any apparent inconvenience or objection. Absent any indication that a trial before the District Court in Connecticut would expose defendant or its expert witnesses to unnecessary hardship, we find the railroad's objection on this ground unpersuasive.

Metro-North further argues that plaintiff's instant motion for transfer of venue is untimely insofar as the application was filed on the "eve of trial". While it is true that § 1404(a) sets no express time limits on the filing of a motion to transfer, the moving party should act with reasonable promptness. 15 C. Wright, A. Miller, & E. Cooper, *Federal Practice and Procedure* 2d. § 3844 (1986). Moreover, while delay, in and of itself, is not a sufficient reason to deny a motion for transfer, if such delay would unduly prejudice the opposing party, or if the filing of the motion is intended as a dilatory tactic, denial of the motion would be advisable. *Kolko v. Holiday Inns Inc.*, F.Supp. 713, 716 (S.D.N.Y.1987); *American Standard, Inc. v. Bendix Corp.*, 487 F.Supp. 254, 261 (D.Mo.1980). While it is true, in the instant case, that plaintiff waited almost two years before making this motion for transfer, no showing has been made by defendant that such delay was intended as a dilatory tactic or that the railroad would be prejudiced by such passage of time.

\*3 Citing *Trader v. Pope & Talbot, Inc. v. Jarka Corporation of Philadelphia*, 190 F.Supp. 282 (E.D.Pa.1961), defendant further argues that the statute providing for transfer of venue is not available to a plaintiff who, as in the instant case, voluntarily chose his own forum. Such a restriction on the application of § 1404(a) appears to be outdated, however. The current trend allows for either party to move for transfer under § 1404(a). *Coffey v. Van Dorn Iron Works*, 796 F.2d 217, 219 (7th Cir.1986); *James v. Daley & Lewis*, 406 F.Supp. 645, 648 (D.Del.1976); *Ziegler v. Dart*

Not Reported in F.Supp.  
(Cite as: 1989 WL 74954, \*3 (S.D.N.Y.))

Page 22

Industries, Inc., 383 F.Supp. 362, 363 (D.Del.1974). 15 C. Wright, A. Miller, & E. Cooper, Federal Practice and Procedure 2d § 3844 (1986).

Finally, defendant quite properly argues that all of the circumstances set forth by plaintiff in support of transfer existed at the time Crane selected this District as the forum for his grievance. Traditionally, this District has required plaintiffs moving under § 1404(a) to demonstrate a change in circumstances, since filing the suit, sufficient to support a transfer. *Harem-Christensen Corp v. M.S. Friago Harmony*, 477 F.Supp. 694, 698 (D.C.N.Y.1979); *Harry Rich Corp. v. Curtiss-Wright Corp.*, 308 F.Supp. 1114, 1118 (S.D.N.Y.1969). This rule is not without its exceptions. However, it should be noted that, in those cases where the Court disregarded the absence of changed circumstances, denial of the transfer motion would have resulted in severe prejudice to the plaintiff. *Corke v. Sameiet M.S. Song of Norway*, 572 F.2d 77, 80 (2d Cir.1978) (because the transferor court lacked personal jurisdiction and because the applicable statute of limitations had run, denial of the transfer motion would have precluded plaintiff from re-instituting his action elsewhere); *Gipromer v. SS Tempo*, 487 F.Supp. 631, 632 (S.D.N.Y.1980) (same).

In the instant case, the only change in circumstances identified by plaintiff is his recent retention of counsel in Connecticut. However, as plaintiff himself accurately indicated in response to a similiar argument raised by defendant, such counsel may appear before this Court pro hac vice. To the extent other circumstances exist which might possibly warrant transfer, those circumstances were also in existence at the time plaintiff initially selected this forum. Accordingly, plaintiff's motion for transfer pursuant to 28 U.S.C. § 1404(a) is denied.

It Is So Ordered.

1989 WL 74954 (S.D.N.Y.)

END OF DOCUMENT

# **EXHIBIT B**

REOPEN

**U.S. District Court  
Eastern District of Wisconsin (Milwaukee)  
CIVIL DOCKET FOR CASE #: 2:00-cv-00999-RTR**

ALLOC, et al v. Unilin Decor NV, et al  
Assigned to: Chief Judge Rudolph T Randa  
Demand: \$0  
Cause: 35:271 Patent Infringement

Date Filed: 07/14/2000  
Jury Demand: Both  
Nature of Suit: 830 Patent  
Jurisdiction: Federal Question

**Plaintiff**

**Alloc Inc**

represented by **Daniel J O'Connor**  
Baker & McKenzie  
One Prudential Plaza  
130 E Randolph Dr - Ste 3500  
Chicago, IL 60601  
312-861-2907  
Fax: 312-861-2899  
Email: daniel.j.o'connor@bakernet.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David I Roche**  
Baker & McKenzie  
One Prudential Plaza  
130 E Randolph Dr - Ste 3500  
Chicago, IL 60601  
312-861-8608  
Fax: 312-861-2899  
Email: david.i.roche@bakernet.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Shima S Roy**  
Baker & McKenzie  
One Prudential Plaza  
130 E Randolph Dr - Ste 3500  
Chicago, IL 60601  
312-861-8000  
Fax: 312-861-2899  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Berry Finance NV**

represented by **Daniel J O'Connor**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David I Roche**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Shima S Roy**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Valinge Aluminium AB**

represented by **Daniel J O'Connor**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David I Roche**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Shima S Roy**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Unilin Decor NV**

represented by **Art C Cody**  
Willkie Farr & Gallagher  
787 7th Ave  
New York, NY 10019  
212-728-8000  
Fax: 212-728-8111  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Benjamin Levi**  
Patterson Belknap Webb & Tyler  
1133 Ave of the Americas - 22nd Fl  
New York, NY 10036  
212-336-2000  
*TERMINATED: 04/03/2003*  
*LEAD ATTORNEY*

**Brett H Ludwig**  
Foley & Lardner LLP  
777 E Wisconsin Ave  
Milwaukee, WI 53202-5300  
414-271-2400  
Fax: 414-297-4900  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Courtney M Martin**

Skadden Arps Slate Meagher & Flom LLP  
4 Times Square  
New York, NY 10036-6522  
212-735-2405  
Fax: 917-777-2405  
*LEAD ATTORNEY*

**G Michael Halfenger**

Foley & Lardner LLP  
777 E Wisconsin Ave  
Milwaukee, WI 53202-5300  
414-297-5547  
Fax: 414-297-4900  
Email: mhalfenger@foley.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John M DiMatteo**

Willkie Farr & Gallagher LLP  
787 7th Ave  
New York, NY 10019-6099  
212-728-8000  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Lawrence O Kamin**

Willkie Farr & Gallagher LLP  
787 7th Ave  
New York, NY 10019-6099  
212-728-8231  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**S Edward Sarskas**

Michael Best & Friedrich LLP  
100 E Wisconsin Ave - Ste 3300  
Milwaukee, WI 53202-4108  
414-271-6560  
Fax: 414-271-0656  
Email: sesarskas@michaelbest.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stuart Pollack**

Patterson Belknap Webb & Tyler  
1133 Ave of the Americas - 22nd Fl  
New York, NY 10036  
212-336-2000  
*TERMINATED: 04/03/2003*  
*LEAD ATTORNEY*



**Daniel A DeVito**

Skadden Arps Slate Meagher & Flom LLP  
4 Times Square  
New York, NY 10036-6522  
212-735-3000  
Fax: 212-735-2000  
*ATTORNEY TO BE NOTICED*

**Edward V Filardi**

Skadden Arps Slate Meagher & Flom LLP  
4 Times Square  
New York, NY 10036-6522  
212-735-3000  
Fax: 212-735-2000  
*ATTORNEY TO BE NOTICED*

**Todd J Tiberi**

Skadden Arps Slate Meagher & Flom LLP  
4 Times Square  
New York, NY 10036-6522  
212-735-2458  
Fax: 917-777-2458  
Email: TTIBERI@skadden.com  
*ATTORNEY TO BE NOTICED*

**Defendant****BHK of America Inc**

represented by **Art C Cody**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Benjamin Levi**

(See above for address)  
*TERMINATED: 04/03/2003*  
*LEAD ATTORNEY*

**Brett H Ludwig**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Courtney M Martin**

(See above for address)  
*LEAD ATTORNEY*

**G Michael Halfenger**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James R Clark**

Foley & Lardner LLP

777 E Wisconsin Ave  
Milwaukee, WI 53202-5300  
414-297-5543  
Fax: 414-297-4900  
Email: jclark@foley.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John M DiMatteo**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Lawrence O Kamin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**S Edward Sarskas**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stuart Pollack**  
(See above for address)  
*TERMINATED: 04/03/2003*  
*LEAD ATTORNEY*

**Patrick M Kuhlmann**  
Foley & Lardner LLP  
777 E Wisconsin Ave  
Milwaukee, WI 53202-5300  
414-297-5614  
Fax: 414-297-4900  
Email: pkuhlmann@foley.com  
*ATTORNEY TO BE NOTICED*

**Daniel A DeVito**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Edward V Filardi**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Todd J Tiberi**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Pergo Inc**

represented by **Anthony P Venturino**  
Stevens Davis Miller & Mosher  
1615 L St NW - Ste 850

Washington, DC 20036  
202-785-0100  
*TERMINATED: 02/02/2001*  
*LEAD ATTORNEY*

**Christopher M Collins**  
Stevens Davis Miller & Mosher  
1615 L St NW - Ste 850  
Washington, DC 20036  
202-785-0100  
*TERMINATED: 02/02/2001*  
*LEAD ATTORNEY*

**Courtney M Martin**  
(See above for address)  
*LEAD ATTORNEY*

**Daniel A DeVito**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Edward V Filardi**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Gordon P Giampietro**  
Michael Best & Friedrich  
100 E Wisconsin Ave - Ste 3300  
Milwaukee, WI 53202-4108  
414-271-6560  
*TERMINATED: 11/22/2004*  
*LEAD ATTORNEY*

**John J Mangan**  
Skadden Arps Slate Meagher & Flom LLP  
1440 New York Ave NW  
Washington, DC 20005  
202-371-7000  
Fax: 202-371-5760  
*TERMINATED: 08/10/2004*  
*LEAD ATTORNEY*

**Jonathan H Margolies**  
Michael Best & Friedrich LLP  
100 E Wisconsin Ave - Ste 3300  
Milwaukee, WI 53202-4108  
414-271-6560  
Fax: 414-277-0656  
Email: [jhmargolies@michaelbest.com](mailto:jhmargolies@michaelbest.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Peter Peckarsky**  
Stevens Davis Miller & Mosher  
1615 L St NW - Ste 850  
Washington, DC 20036  
202-785-0100  
*TERMINATED: 02/02/2001*  
*LEAD ATTORNEY*

**Resa K Schlossberg**  
Skadden Arps Slate Meagher & Flom LLP  
4 Times Square  
New York, NY 10036-6522  
212-735-3000  
Fax: 212-735-2000  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert B Smith**  
Skadden Arps Slate Meagher & Flom LLP  
4 Times Square  
New York, NY 10036-6522  
212-735-3000  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**S Edward Sarskas**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Scott D Lyne**  
Slate, Meagher & Flom LLP  
Four Times Square  
New York, NY 10036  
212-735-2604  
*TERMINATED: 08/10/2004*  
*LEAD ATTORNEY*

**Stephen P Vaughn**  
Skadden Arps Slate Meagher & Flom LLP  
1440 New York Ave NW  
Washington, DC 20005  
202-371-7000  
Fax: 202-371-5760  
*TERMINATED: 08/10/2004*  
*LEAD ATTORNEY*

**Thomas P Pavelko**  
Stevens Davis Miller & Mosher  
1615 L St NW - Ste 850  
Washington, DC 20036  
202-785-0100

*TERMINATED: 02/02/2001*  
*LEAD ATTORNEY*

**Todd J Tiberi**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James Patrick Thomas**  
Michael Best & Friedrich LLP  
100 E Wisconsin Ave - Ste 3300  
Milwaukee, WI 53202-4108  
414-271-6560  
Fax: 414-277-0656  
*TERMINATED: 03/17/2004*

Date Filed	#	Docket Text
07/14/2000	1	COMPLAINT (Summons(es) issued); jury demand Consent Forms Distributed for Magistrate Judge Callahan (wied, ) (Entered: 07/17/2000)
07/17/2000	2	ATTORNEY APPEARANCE for plaintiff ALLOC by Daniel O'Connor and David Roche (wied, )
08/16/2000	3	FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT Re: Complaint [1-1] by pltf Alloc Inc; adding pltf Berry Fin NV, pltf Valinge Aluminium AB, deft Pergo Inc; jury demand (bet, )
08/16/2000	4	CERTIFICATE OF SERVICE by pltf Alloc Inc (bet, )
08/22/2000		SUMMONS issued as to deft Unilin Decor NV, deft BHK of America Inc, deft Pergo Inc (bet, )
09/12/2000	5	RETURN OF SERVICE executed as to deft Pergo Inc; served on 8/24/00 upon CT Corp, registered agent (bet, )
09/13/2000		SUMMONS issued as to deft Unilin Decor NV (bet, )
09/13/2000	6	MOTION by deft Pergo Inc to dismiss with certificate of service (bet, ) (Entered: 09/14/2000)
09/13/2000	7	BRIEF by deft Pergo Inc in support of motion to dismiss [6-1] with exhibits 1 & 2 and certificate of service (bet, ) (Entered: 09/14/2000)
09/13/2000	8	CERTIFICATE OF INTEREST by deft Pergo Inc with certificate of service (bet, ) (Entered: 09/14/2000)
09/14/2000	9	ANSWER by deft BHK of America Inc to First Amended Complaint [3-1]; jury demand; with certificate of service (bet, )
09/14/2000	10	CERTIFICATE OF INTEREST by deft BHK of America Inc (bet, )
09/14/2000	11	LETTER (9/14/00) from deft BHK of America Inc Atty Brett H Ludwig re: background information concerning dispute and of parallel proceedings in Dist of Columbia Dist Court (bet, )

11/20/2000	32	ORDER by Judge Rudolph T. Randa granting motion to extend time to file a reply brief; Pergo shall have an additional sixty days in which to serve and file said brief. [5-1] (cc: all counsel) (jll, ) Modified on 11/29/2000 (Entered: 11/24/2000)
11/21/2000	33	BRIEF by plaintiff Alloc Inc in opposition to motion to stay pending decision by USDC Dist. of Columbia on ALLOC's motion to dismiss [20-1] (jll, ) Modified on 11/29/2000
12/07/2000	35	CERTIFICATE of service by defendant Pergo Inc (jll, ) (Entered: 12/08/2000)
12/07/2000	36	LETTER (regarding extension of time to file reply brief) from defendant Pergo Inc with attached copy of Judge Kessler's clarifying Order for the court's reference. (jll, ) (Entered: 12/08/2000)
12/07/2000	34	REPLY BRIEF by defendant Pergo Inc in support of motion to stay proceedings pending decision by USDC for District of Columbia [27-1] (jll, ) (Entered: 12/21/2000)
12/08/2000	37	DECISION AND ORDER: by Judge Rudolph T. Randa granting motion to stay proceedings pending decision by USDC for District of Columbia [27-1], granting motion to stay pending decision by USDC Dist. of Columbia on ALLOC's motion to dismiss [20-1]; the Court's order of 11/20/00 is vacated (cc: all counsel, Honorable Kessler and Maher and E. Borland) (jll, ) (Entered: 12/21/2000)
01/22/2001	38	Amended CERTIFICATE of interest by defendant Pergo Inc (jll, ) (Entered: 01/23/2001)
01/24/2001	39	Rule 6.07 MOTION by defendant Pergo Inc for leave to withdraw as attorney of record with attached certificate of service (jll, ) (Entered: 01/25/2001)
01/29/2001	40	MOTION by defendants to stay all proceedings with attached proposed order (jll, ) (Entered: 02/01/2001)
02/02/2001		MARGINAL ORDER by Judge Rudolph T. Randa withdrawing attorneys Christopher M Collins, Anthony P Venturino, Thomas P Pavelko, & Peter Peckarsky of Stevens, Davis, Miller & Mosher for Pergo Inc and substituting Skadden, Arps, Slate, Meagher & Flom (cc: all counsel) (vlh, ) (Entered: 02/08/2001)
02/02/2001	41	ORDER by Judge Rudolph T. Randa granting Rule 6.07 motion for leave to withdraw as counsel of record for defendant Pergo, Inc. [39-1] (cc: all counsel) (vlh, ) (Entered: 02/08/2001)
04/19/2001	42	ORDER by Judge Rudolph T. Randa granting defendant's motion to stay [40-1] (cc: all counsel) (jll, ) (Entered: 04/20/2001)
07/17/2001	43	DECISION AND ORDER by Judge Rudolph T. Randa dismissing the amended motion to dismiss [13-1] and the motion to dismiss [6-1]; Pergo may re-file their motions without prejudice once the stay is lifted. (cc: all counsel) (jll, ) (Entered: 07/19/2001)
09/23/2002	44	NOTICE to counsel requesting them to advise Chief Judge Randa if Judge Kessler has ruled on the motion to dismiss. (jll, ) (Entered: 09/24/2002)
10/01/2002	45	RESPONSE by defendant Unilin Decor NV & defendant BHK of America Inc



04/01/2004		Attorney G Michael Halfenger for BHK of America Inc and Unilin Decor NV added. (jld, )
04/05/2004	81	BRIEF in Opposition re [73] plaintiffs' MOTION for Leave to File second amended complaint filed by Pergo Inc. (jld, ) (Entered: 04/06/2004)
04/05/2004	82	CERTIFICATE OF SERVICE by Pergo Inc (jld, ) (Entered: 04/06/2004)
04/05/2004	83	STIPULATION AND ORDER to extend time to file reply for plaintiffs' motion for leave to file second amended complaint to 4/19/04 signed by Judge Rudolph T Randa on 4/5/04. (cc: all counsel)(jld, ) (Entered: 04/07/2004)
04/19/2004	84	REPLY BRIEF in Support re [73] MOTION for Leave to File <i>Second Amended Complaint</i> filed by all plaintiffs (Roche, David)
04/19/2004		Attorney Shima S Roy for Valinge Aluminium AB; Alloc Inc and Berry Finance NV added. (jld, ) (Entered: 04/20/2004)
06/18/2004	85	NOTICE by Alloc Inc, Berry Finance NV, Valinge Aluminium AB <i>Regarding Stay</i> (Roche, David)
06/24/2004	86	ORDER LIFTING STAY, ORDER REOPENING CASE; parties shall submit additional briefs on the plaintiffs' motion for leave to file a second amended complaint (see order for details) signed by Judge Rudolph T Randa on 6/24/04. (cc: all counsel)(jld, )
07/06/2004	87	STIPULATION to <i>Extend Time to File Supplemental Briefs in Conjunction With Plaintiffs' Motion for Leave to File a Second Amended Complaint</i> by all parties (Roche, David)
07/07/2004	88	AMENDED SCHEDULING ORDER: plaintiffs' supplemental brief in support of the motion for leave to file a second amended complaint ddl is 7/13/04; defendants' supplemental response brief ddl is 7/23/04; plaintiffs' supplemental reply brief ddl is 7/30/04. signed by Judge Rudolph T Randa on 7/7/04. (cc: all counsel)(jld, ) (Entered: 07/08/2004)
07/15/2004	89	<i>Pergo, Inc.'s ANSWER to Amended Complaint Plaintiffs' First Amended Complaint For Patent Infringement</i> by Pergo Inc. (Sarskas, S)
07/15/2004	90	DECLARATION of Service (Sarskas, S)
07/16/2004	91	BRIEF ( <i>Supplemental</i> ) <i>Regarding Motion to Amend to Add U.S. Patent 6,516,579</i> filed by all plaintiffs. (Roche, David)
07/16/2004	92	STIPULATION to <i>Extend Time to File Supplemental Briefs in Conjunction with Plaintiffs' Motion for Leave to File Second Amended Complaint</i> by all plaintiffs (Roche, David)
07/16/2004	93	STIPULATION to <i>Extend Time to File Supplemental Briefs in Conjunction with Plaintiffs' Motion for Leave to File Second Amended Complaint</i> by all parties (Roche, David)
07/19/2004	94	ORDER signed by Judge Rudolph T Randa on 7/19/04 granting the extension of time to file supplemental briefs in conjunction with plaintiffs' motion for leave to file second amended complaint re 92 Stipulation filed by Alloc Inc, Berry Finance NV, Valinge Aluminium AB, and 93 Stipulation filed by Alloc Inc, Unilin Decor NV, BHK of America Inc, Berry Finance NV, Valinge Aluminium AB, Pergo Inc. (cc: all counsel) (Randa, Rudolph T)